

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 8, 11-15 and 22-24 were pending in the present application prior to entrance of this amendment. Claims 1, 11, 15 and 24 are amended. Claims 57-59 are added.

Claim 24 is amended to recite treating breast or colon cancer. Support for this amendment can be found in the specification at page 17, paragraph [0059], where solid tumors, such as colon or colo-rectal tumors are discussed. Further support can be found in Example 27, beginning at page 50, and table I at page 51, which demonstrated *in vitro* efficacy of a wide variety of compounds of the invention against HCT-116, a human colon carcinoma cell line. Thus, claim 24 (and new claim 59), as presented at this time, is fully supported by the specification. No new matter is added by this amendment.

Rejection under 35 U.S.C. § 102(b)

The examiner rejects claims 1, 8, 14 and 22 under 35 U.S.C. § 102(b) as being anticipated by Nagao, et al. (CA 112:7272).

Claim 1 is amended to recite that the 6-membered heterocycle is unsaturated or only partially saturated. Support for this amendment can be found in the specification at page 7, paragraph [0026]. No new matter is added by this amendment.

Nagao et al., does not anticipate claims 1, 8, 14 or 22, as amended. Claim 1, as amended, is limited to compounds in which R₁ is an optionally substituted unsaturated or partially saturated 6-membered heterocycle. The compound disclosed in Nagao et al., has a substituted piperidinyl corresponding to R₁. Piperidinyl is a saturated heterocyclic moiety and therefore would fall outside the scope of claim 1, as amended. Each of claims 8, 14 and 22 are, directly or indirectly, dependent on claim 1 and therefore the compound of Nagao et al. falls outside the scope of each

of these claims. Application submits that the claims are free of the cited prior art and request the examiner to withdraw the rejection.

Rejection under 35 U.S.C. § 112

The examiner rejects claims 11-13 as having insufficient antecedent basis for the limitation "5-membered heterocycle, opt. Sub. Furanan-2-yl" in R₁. Claim 11 is amended to independent form, thus avoiding the need for antecedent basis. The inclusion of optionally substituted 5-membered heterocycles as an option for R₁ is consistent with the 2 May 2005 telephone call between the undersigned and Examiner Owens. Support for this amendment can be found throughout the specification and in claim 1 as originally presented.

Claim 15 is amended to delete the term piperazin-1-yl, thus providing proper antecedent support for the claim in view of the amendment to claim 11. New claims 57-59 are added. Support for the new claims can be found in claims 1 and 22-24 as originally filed. No new matter is added by this amendment.

Claims 11 and 14 are amended to depend from claim 8. This amendment is made strictly to remove reference to a canceled claim. No new matter is provided by this amendment. Applicant retains the right to pursue cancelled subject matter in later proceedings.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers

submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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